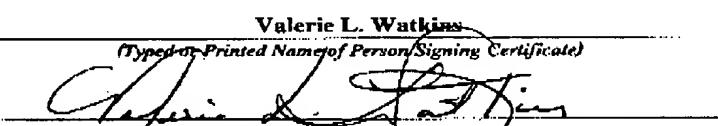


<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b> Applicant(s): Christopher ROWDEN			Docket No. <b>ELAND.0001</b>
Serial No. <b>09/654,571</b>	Filing Date <b>1 September 2000</b>	Examiner <b>P. PAPPAS</b>	Group Art Unit <b>2628</b>
Invention: <b>METHOD AND SYSTEM OF PRODUCING A LANDSCAPE PLAN</b>			
<b>RECEIVED</b> CENTRAL FAX CENTER <b>DEC 18 2006</b>			
I hereby certify that this <u><b>STATEMENT OF SUBSTANCE OF INTERVIEW</b></u> <i>(Identify type of correspondence)</i> is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <b>571-273-8300</b> ) on <u><b>18 December 2006</b></u> <i>(Date)</i>			
<p style="text-align: center;"><b>Valerie L. Watkins</b> <small>(Type or Printed Name of Person Signing Certificate)</small>  <small>(Signature)</small></p>			
<p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>			

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Application No. 09/654,571  
ELAND.0001  
Statement dated 18 December 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent application of

Christopher M. Rowden : Group Art Unit 2628  
Application No. 09/654,571 : Examiner Peter PAPPAS

Filed 1 September 2000 :

METHOD AND SYSTEM OF PRODUCING A LANDSCAPE PLAN

## STATEMENT OF SUBSTANCE OF INTERVIEW

U.S. Patent and Trademark Office  
Customer Window, Mail Stop Amendment  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

On 29 November 2006 the undersigned attorney of record contacted Examiner Peter-Anthony Pappas to inquire regarding the reason for the Restriction Requirement mailed on 17 November 2006. The undersigned attorney expressed surprise and disappointment that the Examiner would issue a Restriction Requirement in this case for the very first time over six years after the application was filed and over three-and-one-half years after the initial examination of this application . . . and especially after Applicant had already filed an Appeal Brief. The undersigned attorney attempted to explain to the Examiner the fundamental unfairness to Applicant of this action, and asked the Examiner to withdraw the Restriction Requirement.

The Examiner refused to withdraw the Restriction Requirement and explained that the case had been reassigned to him and that he could not support the previous rejections that had been made on this application, and therefore was withdrawing the application from Appeal. He further represented that he could not examine claims 1-8 as those belonged in an art unit for so-called "business method" patents, and that if Applicant elected those claims the case would be reassigned (yet again) to a new examiner in a new art unit. The Examiner also stated that if claims 9-16 and 18-20

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were elected, that he would examine those claims himself without prejudice.

The undersigned attorney responded that he would file a Response electing claims 9-16 and 18-20, based on the representation by the Examiner that these claims would be examined by him without prejudice. The undersigned attorney further stated that he would traverse the Restriction Requirement and preserve Applicant's right to file a petition to have the Restriction Requirement withdrawn, if the Examiner would not relent.

### CONCLUSION

If the Examiner disagrees with this "Statement of Substance of Interview," he is respectfully requested to contact the undersigned attorney to discuss this disagreement. Otherwise, he is respectfully requested to state on the record in the next Office Action either that he agrees with this Statement, or to explain any discrepancies, with particularity.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 50-0238 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17, particularly extension of time fees.

Respectfully submitted,

VOLENTINE FRANCOS & WHITT, P.L.L.C.

Date: 18 December 2006

By: 

Kenneth D. Springer  
Registration No. 39,843

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